

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID M. REES and
WENDY REES,

Plaintiffs,

v.

**BOARD OF TRUSTEES OF
IRON WORKERS' LOCAL NO. 25
FRINGE BENEFITS FUNDS et al.**

C.A. No. 2:14-cv-12401-GCS-RSW

Hon. George Carah Steeh

**ORDER DISMISSING DEFENDANT
METRO INDUSTRIAL
CONTRACTING, INC. ONLY WITH
PREJUDICE AND WITHOUT COSTS
IN LIEU OF F. R. CIV. P. 41
MOTION BY PLAINTIFFS AND
WITHDRAWING METRO'S
MOTION TO DISMISS AS MOOT**

This matter having come before the Court on the stipulation of Plaintiffs and Defendant Metro Industrial Contracting, Inc. (“Metro”) that, in lieu of Plaintiffs’ filing of a notice of voluntary dismissal under F. R. Civ. P. 41(a)(1)(A)(i) or a motion under F. R. Civ. P. 41(a)(2) seeking the dismissal of Defendant Metro from the within cause (in which Defendant Metro has not filed an answer or a motion for summary judgment); and

This Court being further advised of Defendant Metro's concurrence in the relief that Plaintiffs would have requested in such motion, pursuant to L.R. 7.1.(a)(1), on condition that the dismissal be with prejudice and without costs; and

This Court being further advised that Plaintiffs and Defendant Metro have stipulated and agreed, pursuant to L.R. 7.1(a)(1), that Defendant Metro's pending Motion to Dismiss (Doc. 25), to which only Plaintiffs (and no other parties) have responded (Doc. 32), be withdrawn as moot, with Plaintiffs and Defendant Metro each to bear their or its costs and expenses of the briefing of

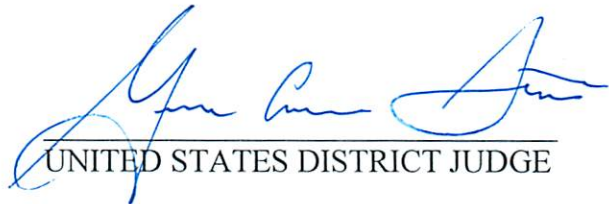
the Motion to Dismiss (including the reply brief) and the response thereto, and

This Court being further advised in the premises,

NOW THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to the stipulation of Plaintiffs and Defendant Metro, Plaintiffs' claims against Defendant Metro in the within cause be and are hereby dismissed with prejudice and without costs, and that Defendant Metro be and is hereby dismissed as a party defendant in the within cause; and

IT IS HEREBY FURTHER ORDERED THAT Defendant Metro's pending Motion to Dismiss be and is hereby dismissed as moot, with Plaintiffs and Defendant Metro each bearing their and its costs and expenses relating to the briefing of said Motion.

SO ORDERED this 20th day of April 2015:



UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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consent given on April 16, 2015
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